

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:07-cr-150-MHT
)	
BENJAMIN SHANE FOSTER,)	
a/k/a Benjamin Shawn Foster)	

MOTION TO REASSIGN CASE

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and moves this court to reassign the above-styled cases to one United States District Court Judge. As grounds for such motion, the government states as follows:

1. In case number 3:07-cr-150-MHT, the defendant was indicted in the Middle District of Alabama for being a felon in possession of a firearm in violation of Title 18, United States Code, Section 922(g)(1), for conduct that occurred on May 11, 2007.
2. Investigation of the defendant's conduct revealed that he also possessed a firearm in Clay County, Alabama, on May 11, 2007, in the Northern District of Alabama.
3. Defendant has consented to have the felon in possession charge arising out of his conduct in the Northern District of Alabama transferred to the Middle District of Alabama pursuant to Rule 20. Defendant was charged by information in the Northern District of Alabama with being a felon in possession of a firearm in violation of Title 18, United States Code,

Section 922(g)(1). That case has been transferred to the Middle District of Alabama and assigned case number 2:08-cr-48-MEF.

4. Defendant has filed a Notice of Intent to Change Plea in each of the above-styled cases.
5. The government has drafted and the defendant has signed one plea agreement that will resolve both cases. Pursuant to such plea agreement, the defendant will plead guilty to all charges in the above-cited case numbers.
6. Currently, case 3:07-cr-150-MHT is assigned to United States District Court Judge Myron H. Thompson; and case 2:08-cr-MEF is assigned to Chief United States District Court Judge Mark E. Fuller. Because the two cases deal with the same defendant, with conduct that occurred on the same day, and with one plea agreement that resolves both cases, judicial resources will be saved by assigning both cases to one United States District Court Judge.
7. The United States is not requesting that the cases be assigned to a particular United States District Court Judge, only that the two cases be assigned to the same judge.
8. The attorney for the defendant, Michael Petersen, does not oppose this motion.

WHEREFORE, the government requests that the above-styled cases be re-assigned to the same United States District Court Judge.

Respectfully submitted this the 26th day of March, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Matthew W. Shepherd
MATTHEW W. SHEPHERD
Assistant United States Attorney
131 Clayton Street
Montgomery, Alabama 36104
Telephone: (334) 223-7280
Fax: (334) 223-7135
E-mail: matthew.shepherd@usdoj.gov

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:07-cr-150-MHT
)	
BENJAMIN SHANE FOSTER,)	
a/k/a Benjamin Shawn Foster)	

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Michael Petersen, attorney for the defendant.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Matthew W. Shepherd
MATTHEW W. SHEPHERD
Assistant United States Attorney
131 Clayton Street
Montgomery, Alabama 36104
Telephone: (334) 223-7280
Fax: (334) 223-7135
E-mail: matthew.shepherd@usdoj.gov